

the NRA Foundation made supposedly false “solicitations”—but he never specifies those statements, identifies the speaker(s), or alleges where/when the statements were made. His Amended Complaint therefore fails to meet Rule 9(b)’s particularity requirements.

Third, Plaintiff’s Amended Complaint does not plausibly allege the elements of his fraud and RICO claims. He does not allege the NRA Foundation knowingly made any false representations. He also fails to allege any specific affirmative misrepresentations or identifies any basis for inferring scienter (as required under RICO).

Accordingly, Plaintiff cannot obtain relief against the NRA Foundation under any set of facts consistent with his allegations. This Court should therefore dismiss all claims against the NRA Foundation.

Dated: December 30, 2019

Respectfully Submitted,

NEAL & HARWELL, PLC

/s/ Aubrey B. Harwell, Jr.

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CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of the Court on December 30, 2019, using the CM/ECF system, which will send notification to all counsel of record as listed below.

<p style="text-align: center;"><u>Attorneys for the NRA and LaPierre</u> <u>Defendants:</u></p> <p><u>LACY, PRICE & WAGNER, P.C.</u> Wallace A. McDonald (BPR # 16210) 249 N. Peters Road, Suite 101 Knoxville, TN 37926 (865) 246-0800 amcdonald@lpwpc.com</p> <p><u>BREWER, ATTORNEYS & COUNSELORS</u> William A. Brewer (admitted <i>pro hac vice</i>) 750 Lexington Ave., 14th Floor New York, NY 10022 (212) 527-3024 wbb@brewerattorneys.com</p>	<p style="text-align: center;"><u>Attorney for Plaintiff:</u></p> <p><u>SCHUCHARDT LAW FIRM</u> Elliott J. Schuchardt (BPR # 27016) 6223 Highland Place Way, Suite 201 Knoxville, TN 37919 (865) 304-4374 elliott016@gmail.com</p>
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/s/ Aubrey B. Harwell, Jr.